

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 410
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10200-BBf-1

Short Title: Credit Union Update.

(Public)

Sponsors: Representative Howard.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE THE CREDIT UNION STATUTES.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Article 14B of Chapter 54 of the General Statutes reads as rewritten:

5 "Article 14B.

6 "Supervision and Regulation.

7 ...

8 **"§ 54-109.14. Fees.** ~~Fees and penalties.~~

9 (a) Each credit union subject to supervision and examination by the ~~Administrator of~~
10 ~~Credit Unions, Administrator,~~ including credit unions in process of voluntary liquidation, shall
11 pay into the office of the Administrator ~~of Credit Unions~~ twice each year, in the months of
12 January and July, supervision fees, except those credit unions which liquidate or convert its
13 charter shall pay into the office of the ~~Administrator of Credit Unions, Administrator,~~ to the date
14 of dissolution, pro rata supervision fees. Examination fees shall be paid promptly upon receipt of
15 the examination report and invoice.

16 The ~~Administrator of Credit Unions, Administrator,~~ subject to the advice and consent of the
17 Credit Union Commission, shall, on or before December 1 of each year, determine and fix the
18 scale of supervisory and examination fees to be assessed during the next calendar year.

19 No credit union shall be required to pay any supervisory fee until the expiration of 12 months
20 from the date of the issuance of a certificate of incorporation to ~~such~~ the credit union.

21 (b) The Administrator may charge other fees for service and supervision as approved by
22 the Commission. Moneys collected under this section shall be deposited with the State Treasurer
23 of North Carolina and expended, under the terms of the Executive Budget Act, to defray expenses
24 incurred by the office of the Administrator ~~of Credit Unions~~ in carrying out its supervisory and
25 auditing functions.

26 (c) All revenue derived from fees will be placed into a special account to be administered
27 solely for the operation of the ~~Credit Union~~ Division.

28 (d) The Administrator may waive any fee, in whole or in part, for any credit union or
29 group of credit unions at the Administrator's discretion.

30 (e) The Administrator may assess a civil penalty not to exceed five hundred dollars
31 (\$500.00) for the violation of any section of Articles 14A to 15A of this Chapter or any rule
32 adopted by the Administrator. The clear proceeds of any civil penalty assessed under this
33 subsection or pursuant to any other authority in Articles 14A to 15A of this Chapter shall be
34 remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

35 **"§ 54-109.15. Reports.**



* D R H 1 0 2 0 0 - B B F - 1 *

1 (a) ~~Credit~~ The Administrator shall cause credit unions organized under Articles 14A to
2 ~~14L-15A of this Chapter shall, in January and in July of each year, make to make~~ a report of
3 condition to the Administrator ~~of Credit Unions on forms supplied for that purpose. Additional~~
4 ~~reports may be required~~ in a manner and on a schedule as adopted by the Administrator. The
5 Administrator may also require that additional reports be filed.

6 (b) ~~Any~~ The Administrator may cause any credit union that neglects to make ~~semiannual~~
7 reports as provided in subsection (a) of this section, or any of the other reports required by the
8 Administrator ~~of Credit Unions~~ at the time fixed by the Administrator, ~~shall pay to pay~~ a late
9 penalty to the Administrator ~~of Credit Unions~~ of not less than seventy-five dollars (\$75.00)
10 (\$75.00), nor more than seven hundred fifty dollars (\$750.00) for each day the neglect continues.
11 ~~The Administrator of Credit Unions may revoke the certificate of incorporation and take~~
12 ~~possession of the assets and business of any credit union failing to pay a penalty imposed under~~
13 ~~this section after serving notice of at least 15 days upon the credit union of the proposed action.~~
14 ~~The clear proceeds of penalties collected pursuant to this subsection shall be remitted to the Civil~~
15 ~~Penalty and Forfeiture Fund in accordance with G.S. 115C 457.2.~~ The Administrator shall
16 publish the late penalty amount annually by rule.

17 **"§ 54-109.16. Examinations required; payment of cost.**

18 (a) ~~The Administrator of Credit Unions~~ shall cause every credit union formed under
19 Article 14A and 15A of this Chapter to be examined once every 18 months or ~~whenever such~~
20 shorter period the Administrator deems it necessary. The examiners appointed by the
21 Administrator shall be given free access to all books, papers, securities, ~~and~~ electronic or digital
22 records, and other sources of information in respect to the credit union; for the purpose of the
23 examination, the Administrator may subpoena and examine personally, or by one of the
24 Administrator's deputies or examiners, witnesses on oath and documents, whether the witnesses
25 are members of the credit union or not, and whether the documents are documents of the credit
26 union or not. The Administrator may designate an independent auditing firm to ~~do the work~~
27 conduct such examinations under the Administrator's direction and supervision, with the cost to
28 be paid by the credit union involved.

29 (b) At the discretion of the Administrator, an independent audit, the examination of a peer
30 state regulatory agency, or the examination of a deposit insurer may be accepted in lieu of an
31 examination by the Division to satisfy the examination requirements of this Chapter.

32 **"§ 54-109.17. Records.**

33 (a) A credit union shall maintain all books, records, accounting systems and procedures
34 in accordance with ~~such rules as the Administrator from time to time prescribes.~~ adopted by the
35 Administrator. In prescribing such adopting these rules, the Administrator shall consider the
36 relative size of a credit union and its reasonable capability of compliance.

37 (b) A credit union is not liable for destroying records after the expiration of the record
38 retention time ~~prescribed~~ adopted by the Administrator.

39 (c) ~~A photostatic or photographic reproduction of any credit union records shall be~~
40 admissible as evidence of transactions with the credit union. Any credit union may cause any or
41 all records kept by it to be recorded, copied, or reproduced by any photographic, reproduction,
42 electronic, or digital process or method, or by any other records retention technology approved
43 by rule or order of the Administrator, of a kind that is capable of accurately converting the records
44 into tangible form within a reasonable time. Each converted tangible form of record also is
45 deemed a record.

46 **"§ 54-109.18. Selection of attorneys to handle loan closing proceedings.**

47 ~~The Administrator of Credit Unions shall establish rules and regulations relating to selection~~
48 ~~of attorneys at law to handle credit union loan closing proceedings.~~

49 **"§ 54-109.18A. Hearings and appeals.**

1 (a) Unless otherwise stated in this Chapter, administrative hearings required or permitted
2 to be held by the Administrator shall be conducted in accordance with Article 3A of Chapter
3 150B of the General Statutes.

4 (b) After a hearing under subsection (a) of this section, a party or person aggrieved may
5 appeal the decision or order of the Administrator or other suitable person designated by the
6 Administrator to the Credit Union Commission for appellate review by filing with the
7 Administrator a written notice of appeal no later than 30 days after the day that the
8 Administrator's decision or order is served. Upon receipt of a notice of appeal, the Administrator
9 shall, within 30 days of the notice, certify to the Commission the record on appeal. The notice of
10 appeal shall state the grounds for the appeal and set forth in numbered order the assignments of
11 error for review by the Commission. Failure to state the grounds for the appeal and assignments
12 of error shall constitute grounds to dismiss the appeal. Failure to comply with the briefing
13 schedule provided by the Commission shall also constitute grounds to dismiss the appeal. The
14 Commission shall review the record on appeal, hear oral arguments by the parties, and make a
15 written final decision or order no later than 60 days after the date of oral arguments.

16 (c) Any party to a proceeding before the Commission under subsection (b) of this section
17 is entitled to judicial review of the decision or order in accordance with Article 4 of Chapter 150B
18 of the General Statutes.

19 (d) Notwithstanding other provisions of law, the hearing officer at administrative
20 hearings conducted under subsection (a) of this section may be the Administrator or other suitable
21 person designated by the Administrator to serve as a hearing officer.

22 **"§ 54-109.19. Removal of officers.**

23 (a) ~~The Administrator of Credit Unions shall have the right and is hereby empowered to~~
24 ~~serve a written notice of his intention to remove from office any~~ If the Administrator finds that
25 an officer, director, committeeman-committee member, or employee of any credit union doing
26 business under Articles 14A through 15A of this Chapter who shall be found to be dishonest,
27 incompetent, is dishonest, deceitful, convicted of a felony, convicted of a misdemeanor involving
28 fraud or dishonesty, incompetent, grossly negligent, or reckless in the management of the affairs
29 of the credit union, has breached the trust of the members, or who has persistently violates
30 violated the laws of this State or the lawful orders, instructions and regulations issued
31 instructions, or rules issued or adopted by the Administrator and/or the State Credit Union
32 Commission or the Credit Union Commission, the Administrator may take one or both of the
33 following actions:

34 (1) Remove the director, officer, committee member, or employee from office.

35 (2) Prohibit the director, officer, committee member, or employee from
36 participating in the conduct of the affairs of a credit union or credit union
37 service organization.

38 (b) ~~A notice of intention to remove removal of a director, officer, committee member or~~
39 ~~employee from office shall contain a statement of the alleged facts constituting the grounds~~
40 ~~therefor for it and shall fix a time and place at which a hearing before the Credit Union~~
41 ~~Commission will be held thereon. Such hearing shall be fixed for a date not earlier than 30 days~~
42 ~~nor later than 60 days after the date of service of such notice unless an earlier or a later date is~~
43 ~~set by the Commission at the request of such director, officer, committee member or employee~~
44 ~~and for good cause shown. Pending this hearing, the Administrator may remove the alleged~~
45 ~~violation if he finds that it is essential to the continued well-being of the credit union or the public~~
46 ~~to do so. Unless, of course, such director, officer, committee member or employee shall appear~~
47 ~~at the hearing in person or by a duly authorized representative, he shall be deemed to have~~
48 ~~consented to the issuance of an order of such removal. In the event of such consent, or if upon~~
49 ~~the record made at any such hearing the Credit Union Commission shall find that any of the~~
50 ~~grounds specified in such notice has been determined by the greater weight of the evidence, the~~
51 ~~Commission may issue such orders of removal from office as it may deem appropriate. Any such~~

1 order shall become effective at the expiration of 30 days after service upon such credit union and
2 the director, officer, committee member or employee concerned (except in the case of an order
3 issued upon consent, which shall become effective at the time specified therein). Such order shall
4 remain effective and enforceable except to such extent as it is stayed, modified, terminated or set
5 aside by action of the Credit Union Commission or a reviewing court. information on how the
6 removed party may appeal the removal to the Commission, including contact information to
7 initiate an appeal. The notice of removal is effective immediately upon service.

8 (c) A director, officer, committee member, or employee served written notice of removal
9 has the right to a hearing before the Commission and shall request a hearing within 30 days of
10 the service of the notice of removal.

11 (d) The hearing shall be fixed for a date no later than 30 days after service of the notice
12 for request for hearing unless a later date is set by the Commission at the request of the director,
13 officer, committee member, or employee and for good cause shown. If the removed party does
14 not seek a hearing within the 30-day time frame, the removed party is deemed to have consented
15 to the removal and the removal is deemed final.

16 (e) Upon a request for hearing, or upon scheduling a discretionary hearing on its own
17 initiative, the Commission shall review the facts of the case and hear from the Administrator and
18 the removed party. The Commission shall determine whether the preponderance of the evidence
19 supports removal. Upon completion of the hearing, the Commission shall issue an order that does
20 one of the following:

21 (1) Overturns the removal and reinstates the removed party.

22 (2) Upholds the removal in full.

23 (3) Modifies the removal into a suspension of a defined period. The order shall
24 remain effective and enforceable except to the extent that it is stayed,
25 modified, terminated, or set aside by a later action of the Commission or a
26 reviewing court.

27 **"§ 54-109.20. Additional authorities of the Administrator.**

28 (a) In the event of a natural disaster or other national, regional, State, or local emergency,
29 the Administrator may temporarily waive or suspend requirements for compliance by one or
30 more credit unions with any provisions of this Chapter or with any rules if the Administrator
31 deems it in the public interest.

32 (b) The Administrator may issue and serve upon a credit union an order to cease and
33 desist from one or more unsafe or unsound practices or violations if, in the opinion of the
34 Administrator, a credit union is engaging or has engaged, or there is reasonable cause to believe
35 is about to engage, in an unsafe or unsound practice, or is violating or has violated, or there is
36 reasonable cause to believe is about to violate, this Chapter or any other applicable law, rule,
37 regulation, or order. An order to cease and desist shall contain a statement of the facts constituting
38 the alleged violations or unsafe or unsound practices, and the order may require, in terms that
39 may be mandatory or otherwise, a credit union, its officers, directors, employees, or agents to
40 cease and desist from the practices or violations. The order shall specify its effective date and
41 shall contain a notice to the credit union of its right to a hearing on the order in accordance with
42 rules adopted by the Administrator.

43 (c) The Administrator may conduct an investigation, including conducting background
44 checks, of any credit union employee, officer, director, or committee member when considering
45 applications for new charters, changes to those positions in credit unions in a troubled condition,
46 a managing agent or manager in a conserved credit union, or when the Administrator has reason
47 to believe the credit union employee, director, or committee member affected or is likely to affect
48 the safety or soundness of the credit union."

49 **SECTION 2.** Article 14C of Chapter 54 of the General Statutes reads as rewritten:

50 "Article 14C.

51 "Powers of Credit Union.

1 **"§ 54-109.21. General powers.**

2 (a) A credit union may:

- 3 (1) Make ~~contracts;~~contracts.
- 4 (2) Sue and be ~~sued;~~sued.
- 5 (3) Adopt and use a common seal and alter the ~~seal;~~seal.
- 6 (4) Acquire, lease, hold and dispose of property, either in whole or in part,
7 necessary or incidental to its ~~operations;~~present and future operations.
- 8 (5) At the discretion of the board of directors, require the payment of an entrance
9 fee or annual membership fee, or both, of any person admitted to
10 ~~membership;~~membership.
- 11 (6) Receive ~~savings from its members~~ funds from persons in the form of shares,
12 deposits, or special-purpose thrift ~~accounts;~~accounts.
- 13 (7) Lend its funds to its ~~members~~ members, credit union service organizations,
14 other credit unions, and any State or tribal government or political subdivision
15 thereof as provided in Articles 14A to ~~14L~~ 15A of this Chapter;Chapter.
- 16 (8) Borrow from any source in accordance with policy established by the board
17 of ~~directors;~~directors.
- 18 (9) Discount and sell any eligible obligations, subject to rules adopted by the
19 ~~Administrator;~~Administrator.
- 20 (10) Sell all or substantially all of its assets or purchase all or substantially all of
21 the assets of another financial institution, subject to the approval of the
22 ~~Administrator of Credit Unions;~~Administrator.
- 23 (11) Invest ~~surplus funds~~ its funds as provided in Articles 14A to ~~14L~~ 15A of this
24 ~~Chapter;~~Chapter.
- 25 (12) Make deposits in legally chartered banks, savings institutions, trust companies
26 and ~~central type credit union organizations;~~corporate credit unions.
- 27 (13) Assess charges to members in accordance with the bylaws for failure to meet
28 properly their obligations to the credit ~~union;~~union.
- 29 (14) Hold membership in other credit unions organized under ~~Articles 14A to 14L~~
30 ~~of this Chapter or other acts, and~~ in other associations and organizations
31 composed of credit ~~unions;~~unions, and in organizations or associations
32 fostering the interests of credit unions or providing services to credit unions.
- 33 (15) Declare ~~dividends;~~ dividends, pay interest on deposits and pay interest refunds
34 to borrowers as provided in Articles 14A to ~~14L~~ 15A of this ~~Chapter;~~Chapter.
- 35 (16) ~~Sell travelers checks and money orders and charge a reasonable fee for such~~
36 ~~services, provided the travelers checks are payable at institutions other than a~~
37 ~~credit union;~~Offer related financial services, including travelers checks,
38 money orders, and other negotiable instruments, electronic transfer of funds,
39 safe deposit boxes, custodial services, and correspondent services, and charge
40 a reasonable fee for these services.
- 41 (17) Perform tasks and missions requested by the federal government or this State
42 or any agency or political subdivision thereof, when approved by the board of
43 directors and not inconsistent with Articles 14A to ~~14L~~ 15A of this
44 ~~Chapter;~~Chapter.
- 45 (18) Act as fiscal agent for and receive deposits from the federal government, this
46 State, or any agency or political subdivision ~~thereof;~~thereof.
- 47 (19) Contribute to, support, or participate in any nonprofit service facility whose
48 services will benefit the credit union or its membership subject to rules
49 adopted by the ~~Administrator;~~Administrator.
- 50 (20) Make donations or contributions to any civic, charitable or community
51 organization as authorized by the board of directors, subject to ~~such~~

- 1 regulations ~~as are prescribed by the Administrator;~~ rules adopted by the
2 Administrator.
- 3 (21) Act as a custodian of qualified pension funds if permitted by federal ~~law;~~ law.
4 (22) Purchase or make available insurance for its directors, officers, agents,
5 employees, and members; insurance may be provided through any insurance
6 company or through any subsidiary insurance company owned by the credit
7 ~~union; and~~ union.
- 8 (23) Facilitate its members' purchase of goods and services in a manner ~~which~~ that
9 promotes the purposes of the credit union.
- 10 (24) ~~The board of directors may expel from the corporation any member who has~~
11 ~~not carried out the engagement the member made with the corporation, has~~
12 ~~been convicted of a felony or crime involving moral turpitude, or neglects or~~
13 ~~refuses to comply with the provisions of this Article or of the bylaws. The~~
14 ~~Board may, after notice and hearing as provided in this subdivision, expel~~
15 ~~from the corporation any member who because of the member's intemperance~~
16 ~~disrupts the activities of the credit union or who because of the member's~~
17 ~~habitual neglect of financial obligations reflects discredit upon the credit~~
18 ~~union. No member shall be expelled until informed in writing of the charges~~
19 ~~made and given an opportunity, after reasonable notice, to be heard. Expel any~~
20 ~~member or reduce services for cause. Any member expelled for cause may~~
21 ~~appeal in writing to the board of directors. Upon consideration of the member's~~
22 ~~appeal, the board may reinstate the member or uphold the expulsion. No~~
23 ~~member shall be expelled until informed in writing of the expulsion.~~
24 (25) ~~Engage in activity permitted under this subdivision. Notwithstanding any~~
25 ~~other provision of this Chapter, the Administrator of Credit Unions, subject to~~
26 ~~the advice and consent of the Credit Union Commission, and upon a finding~~
27 ~~that action is necessary to preserve and protect the welfare of credit unions~~
28 ~~and to promote the general economy of the State, may adopt rules allowing~~
29 ~~State-chartered credit unions to engage in any activity in which they could~~
30 ~~engage if they were federally chartered credit unions of Articles 14C to 14J of~~
31 ~~this Chapter, upon 45-day written notice to the Administrator and subject to~~
32 ~~the Administrator's written disapproval during the 45-day period if the~~
33 ~~Administrator concludes the credit union is not well-capitalized or~~
34 ~~well-managed as demonstrated by the supervisory rating it received during its~~
35 ~~most recent safety and soundness examination, engage in any activity or~~
36 ~~exercise any power in which it could engage or exercise if it were a federally~~
37 ~~chartered credit union, subject to similar approval provisions, if any,~~
38 ~~applicable to federally chartered credit unions with respect to the activity or~~
39 ~~power.~~
40 (26) Subject to rules adopted by the Administrator, act as trustee or custodian, and
41 receive reasonable compensation for so acting, under any written trust
42 instrument or custodial agreement created or organized and forming a part of
43 a deferred compensation plan for its members or groups or organizations of
44 its ~~members, provided~~ members so long as the funds of the plans are invested
45 in savings or deposits of the credit union. All funds held may be commingled
46 for the purpose of investment, but individual records shall be kept by the credit
47 union for each participant and shall show in proper detail all transactions
48 engaged in under authority of this subdivision.
- 49 (b) A member may withdraw from a credit union by filing a written notice of intent to
50 withdraw. The amounts paid in on shares or deposits by an expelled or withdrawing member,
51 with any dividends credited to the shares and any interest accrued on the deposits to the date of

1 expulsion or ~~withdrawal~~ withdrawal, shall be paid to the ~~member,~~ member after deducting any
 2 amounts due to the credit union by the member but in the order of expulsion or withdrawal, and
 3 only as funds therefor become ~~available, after deducting any amounts due to the credit union by~~
 4 the member. available. The member shall ~~have~~ has no other ~~or further~~ right in the credit union or
 5 to any of its benefits, but the expulsion or withdrawal shall not operate to relieve the member
 6 from any remaining liability to the credit union.
 7"

8 **SECTION 3.** Article 14D of Chapter 54 of the General Statutes reads as rewritten:

9 "Article 14D.

10 "Membership.

11 **"§ 54-109.26. "Membership" defined.**

12 (a) The membership of a credit union shall be limited to and consist of the subscribers to
 13 the articles of incorporation and ~~such~~ other persons within the common ~~bond~~ bonds set forth in
 14 the bylaws ~~as that~~ have been ~~duly admitted members, have paid any required entrance fee or~~
 15 ~~membership fee, or both, have subscribed for one or more shares, and have paid the initial~~
 16 ~~installment thereon, admitted members~~ and have complied with ~~such~~ other requirements ~~as the~~
 17 articles of incorporation or bylaws specify. specified by the articles of incorporation or bylaws.

18 (b) Credit union membership may include ~~groups~~ the following:

- 19 (1) Groups having a common bond of similar occupation, ~~association~~ association,
 20 or ~~interest, or groups~~ interest.
 21 (2) Persons who reside within an identifiable neighborhood, community, or rural
 22 ~~district, district.~~
 23 (3) Employees of a common employer, ~~and members of the immediate family of~~
 24 ~~such persons.~~ employer.
 25 (4) Family members of persons described in subdivisions (1) through (3) of this
 26 subsection or family members of any member in good standing.

27 **"§ 54-109.27. Societies and other associations. Societies, corporations, and other entities.**

28 ~~Societies, and copartnerships~~ Societies and partnerships composed primarily of individuals
 29 ~~who are eligible to membership, and corporations whose stockholders are composed of or~~
 30 controlled primarily by individuals eligible for membership, corporations owned or controlled
 31 primarily of such individuals, by eligible individuals, and other business entities owned or
 32 controlled primarily by eligible individuals may be admitted to membership in the same manner
 33 and under the same conditions as individuals, ~~but may not borrow in excess of their~~
 34 ~~shareholdings. Provided, however, secured loans in excess of shareholdings may be made to~~
 35 ~~nonprofit societies, copartnerships, and corporations who are members.~~ individuals.

36 **"§ 54-109.28. Other credit unions, unions and specially designated common bonds.**

37 Any credit union organized under Articles 14A to 14L of this Chapter may permit
 38 membership of any other credit union organized under Articles 14A to 14L of this Chapter or
 39 other acts. To facilitate the provision of financial services to underserved populations and
 40 communities, any credit union organized under Articles 14A to 14L of this Chapter may also
 41 permit membership of the following located in this State:

- 42 (1) Individuals and families that earn income at or below the federal poverty
 43 threshold.
 44 (2) Women-owned or minority-owned businesses.
 45 (3) Underserved areas, as defined by the Federal Credit Union Act.

46 **"§ 54-109.29. Members ~~who~~ that leave field.**

47 Members ~~who~~ that leave the field of membership may be permitted to retain their membership
 48 in the credit union as a matter of general policy of the board of directors.

49 **"§ 54-109.30. Liability of shareholders.**

50 A shareholder of any ~~such corporation,~~ credit union, unless the bylaws so provide, ~~shall not~~
 51 ~~be~~ is not individually liable for the payment of its debts for an amount in excess of the par value

1 of the shares ~~which he owns or for which he has subscribed.~~ owned by the individual or for which
2 the individual has subscribed.

3 **"§ 54-109.31. Meetings of members.**

4 (a) The annual meeting and any special meetings of the members of the credit union shall
5 be held at the ~~time, place, time~~ and in the manner indicated by the ~~bylaws.~~ bylaws or
6 G.S. 55A-7-01.

7 (b) At ~~all such these~~ meetings, a member shall have but one vote, irrespective of ~~his the~~
8 member's shareholdings. No member may vote by proxy, but a member may vote by absentee
9 ballot if the bylaws of the credit union so provide.

10 (c) ~~A society, association, copartnership or corporation.~~ A business or other entity having
11 membership in the credit union may be represented and have its vote cast by one of its members
12 or ~~shareholders, provided such shareholders so long as the person has been fully authorized by~~
13 the organization's governing body.

14 (d) The board of directors may establish a minimum age of 16 years of age as a
15 qualification to vote at meetings of the members.

16 (e) The board of directors may establish a minimum age of 18 years of age as a
17 qualification to hold office."

18 **SECTION 4.** Article 14I of Chapter 54 of the General Statutes reads as rewritten:

19 "Article 14I.

20 "Investments.

21 **"§ 54-109.82. Investment of funds.**

22 (a) The capital, deposits, undivided ~~profits~~ profits, and reserve fund of the ~~corporation~~
23 credit union may be invested only in any of the following ways:

24 (1) They may be lent to the members of the ~~corporation~~ credit union in accordance
25 with ~~the provisions of this Chapter.~~

26 (2) In capital shares, obligations, or preferred stock issues of any agency,
27 company, or association organized either as a stock company, mutual
28 association, or membership ~~corporation,~~ provided corporation so long as the
29 membership or stockholdings, as the case may be, of the agency, company, or
30 association are confined or restricted to credit unions or organizations of credit
31 ~~unions, or provided unions~~ or the purpose for which the agency, company, or
32 association is organized or designed is to service or otherwise assist credit
33 union operations.

34 (3) In obligations of the State of North Carolina or any subdivision thereof.

35 (4) In obligations of the United States, including bonds and securities upon which
36 payment of principal and interest is fully guaranteed by the United States.

37 (5) They may be deposited to the credit of the ~~corporation~~ credit union in savings
38 institutions, credit unions, ~~or State banks or banks,~~ trust companies
39 incorporated under the laws of the State, or in national banks located in the
40 State.

41 (6) In loans to other credit unions in any amount not to exceed twenty-five percent
42 (25%) of the shares and unimpaired surplus of the lending credit union.

43 (7) In an aggregate amount not to exceed ~~twenty five percent (25%) of the~~
44 allocations to the reserve fund in any agency, company, or association twelve
45 and one-half percent (12.5%) of the credit union's net worth, in agencies,
46 companies, or associations of the type described in subdivision (2) of this
47 section ~~provided so long as the~~ purposes of the agency, company, or
48 association are designed to assist in establishing and maintaining liquidity,
49 solvency, and security in credit union operations.

50 (8) In the North Carolina Savings Guaranty Corporation.

- 1 (9) In any form of investment allowed by law to the State Treasurer under
2 G.S. 147-69.1. In addition, investment in corporate bonds that bear a
3 minimum rating of A+ by at least one nationally recognized rating service is
4 permissible. Credit unions shall monitor overall credit exposure by setting
5 corporate bond investment limits as a percentage of assets.
- 6 (10) Debentures issued by an agency of the United States government.
- 7 (11) In the College Foundation in any amount not to exceed ten percent (10%) of
8 the shares and unimpaired surplus of the investing credit union.
- 9 (12) They may be deposited in any bank or savings institution insured by the
10 federal government or any of its agencies.
- 11 (13) In higher education bonds permissible under ~~G.S. 116D-2, provided that such~~
12 G.S. 116D-2 so long as the bonds pledge the faith, credit, and taxing power of
13 the State for the payment of the principal of and interest on bonds and notes.
- 14 (14) In an aggregate amount not to exceed one percent (1%) of the credit union's
15 net worth in a small business formed under the laws of the United States, or a
16 state, district, or territory of the United States, that meets the appropriate
17 United States Small Business Administration definition of small business and
18 that is principally engaged in the development or exploitation of inventions,
19 technological improvements, new processes, or other fintech products.
- 20 (15) In common trust or mutual funds whose investment portfolios consist of
21 securities otherwise permitted for credit unions.
- 22 (16) In stock, securities, obligations, or other instruments that are approved by the
23 Administrator.

24 (b) If the status or form of a credit union's investment changes during the life of the
25 investment, the credit union may continue to hold and maintain the investment regardless of the
26 change.

27 (c) Subject to rules of the Administrator, a credit union may make an otherwise
28 impermissible investment to fund the credit union's employee benefits plan. A credit union's
29 investment to fund an employee benefit plan obligation is not subject to the investment
30 limitations of this section if the investment is directly related to the credit union's obligation under
31 the employee benefit plan and the credit union holds the investment only for so long as it has an
32 actual or potential obligation under the plan."

33 **SECTION 5.** G.S. 54-109.92(k) reads as rewritten:

34 "(k) If, after a hearing under this section, the board of directors of the credit union is
35 dissatisfied with the decision of the Administrator of Credit Unions, the board may appeal to the
36 Credit Union Commission ~~by filing with the Administrator a written appeal, including a duly~~
37 ~~certified resolution of the board, not later than 10 days after the day that the Administrator's order~~
38 ~~is served. If the appeal is duly filed, the Administrator shall set a date for a hearing on the appeal~~
39 ~~not more than 30 days after the date on which the appeal is filed. The Administrator shall~~
40 ~~promptly give notice of the date, time, and place of the hearing to the credit union and any other~~
41 ~~interested party, pursuant to G.S. 54-109.18A.~~ The filing of an appeal does not suspend the effect
42 of the order of the conservation and this order remains in force pending final disposition of the
43 appeal by the Commission. At the conclusion of the hearing, the Commission may reverse the
44 order of the Administrator and adopt and approve the credit union's plan to continue operations,
45 affirm the Administrator's order of conservation, or order that other appropriate action be taken."

46 **SECTION 6.** This act becomes effective January 1, 2024.